

Exhibit D

Chida, Zohaib

From: Moskowitz, Elliot
Sent: Wednesday, January 25, 2023 7:32 PM
To: Owen, Brent R.; Haverstick, Rebecca W.; Kinel, Norman N.
Cc: Resnick, Brian M.; McRoberts, Travis; Chida, Zohaib; Saney, Michelle N.
Subject: RE: Conferral on Discovery and Extension of the Challenge Period

Brent, thanks for your email. I am still consulting with my client but can offer the following response in the meanwhile.

- We will complete our production based on the previously agreed parameters and will advise you when our production is complete (note that we are still forecasting completion on or around 1/30). We understand the Committee reserves the right to make further requests and we reserve all rights as well.
- We will produce a privilege log but it may take until slightly after our production is complete to do so because we want to cover the entire review. Would a categorical log be acceptable?
- We will await your request for a deposition and meet and confer with you thereafter. We would ask you to consider whether you need a deposition of the agent if you are already taking lender and debtor depositions.
- We will get back to you on the extension request as soon as possible. I understand you are in touch with the lender group and Debtors so it would be best if we could have a consensus among all the parties.

Thanks,
Elliot

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From: Owen, Brent R. <brent.owen@squirepb.com>
Sent: Tuesday, January 24, 2023 8:37 PM
To: Moskowitz, Elliot <elliot.moskowitz@davispolk.com>; Haverstick, Rebecca W. <rebecca.haverstick@squirepb.com>; Kinel, Norman N. <norman.kinel@squirepb.com>
Cc: Resnick, Brian M. <brian.resnick@davispolk.com>; McRoberts, Travis <travis.mcroberts@squirepb.com>; Chida, Zohaib <zohaib.chida@davispolk.com>; Saney, Michelle N. <michelle.saney@squirepb.com>
Subject: Conferral on Discovery and Extension of the Challenge Period

Elliot,

Given the Court's guidance at today's hearing, we are reaching out to confer about discovery issues and an extension of the challenge period. Please let us know your position by 2 PM tomorrow. We would prefer to avoid bothering the Court, but we are prepared to file a motion absent agreement on the issues below.

1. Complete production and written responses to discovery. The First Lien Agent will agree to produce documents responsive to all discovery requests (limited by prior agreements as to scope, search terms, etc., but subject to the Committee requesting additional production following certification of completion of production), provide written responses to the Committee's document requests, and certify that the production has been completed (the "Completion Date").
2. Privilege Log. The First Lien Agent will provide a privilege log identifying materials withheld based on the claim of privilege by the Completion Date.
3. Deposition. The First Lien Agent will cooperate in scheduling the deposition of one or more witness(es).
4. Extension of the Challenge Period. The First Lien Agent will agree to extend the Challenge Period to thirty-days after the Completion Date.

Please let us know if you'd like to discuss.

Regards,
Brent



Brent R. Owen

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